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Attorneys for Third-Party Defendant and Cross-Claimant
SCOTTSDALE INSURANCE COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SIERRA BAY CONTRACTORS, INC., a
California Corporation,

Plaintiff,

v.

WESTCHESTER SURPLUS LINES
INSURANCE COMPANY, a Georgia corporation,
and ROES 1 through 50, inclusive,

Defendants.

WESTCHESTER SURPLUS LINES INSURANCE
COMPANY, a Georgia Corporation,

Third-Party Plaintiff,

v.

ASPEN SPECIALTY INSURANCE COMPANY,
a North Dakota Corporation; CONTINENTAL
CASUALTY INSURANCE COMPANY, an
Illinois Corporation; GEMINI INSURANCE
COMPANY, a Delaware Corporation; GREAT
AMERICAN ASSURANCE COMPANY, an Ohio
Corporation; GREAT AMERICAN INSURANCE
COMPANY, an Ohio Corporation; INTERSTATE
FIRE AND CASUALTY COMPANY, an Illinois
Corporation; LEXINGTON INSURANCE
COMPANY, a Delaware Corporation; LIBERTY

CASE NO. 3:10-CV-04611-RS

**STIPULATION AND ~~PROPOSED~~
ORDER FOR DISMISSAL WITH
PREJUDICE OF SCOTTSDALE
INSURANCE COMPANY'S CROSS-
CLAIM AGAINST AMERICAN SAFETY
INDEMNITY COMPANY, IN
EXCHANGE FOR A WAIVER OF
COSTS**

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SURPLUS INSURANCE CORPORATION, a
New Hampshire Corporation; NIC INSURANCE
COMPANY, a New York Corporation; OLD
REPUBLIC GENERAL INSURANCE
CORPORATION, an Illinois Corporation;
TRANSCONTINENTAL INSURANCE
COMPANY, an Illinois Corporation;
SCOTTSDALE INSURANCE COMPANY, an
Ohio Corporation; TRUCK INSURANCE
EXCHANGE, a California Corporation;
VIRGINIA SURETY COMPANY, an Illinois
Corporation,

Third-Party Defendants.

SCOTTSDALE INSURANCE COMPANY, an
Ohio Corporation,

Cross-Claimant,

v.

AMERICAN SAFETY INDEMNITY
COMPANY an Oklahoma Corporation;
NAVIGATORS SPECIALTY INSURANCE
COMPANY, formally known as NIC Insurance
Company, a New York Corporation; GEMINI
INSURANCE COMPANY, a Delaware
Corporation; LEXINGTON INSURANCE
COMPANY, a Delaware Corporation; and ROES
1 through 20, inclusive,

Cross-Defendants.

Pursuant to Federal Rule of Civil Procedure 41, third-party defendant and cross-claimant
Scottsdale Insurance Company ("Scottsdale"), and cross-defendant American Safety Indemnity
Company ("ASIC "), have agreed and hereby stipulate to the dismissal of Scottsdale's Cross-Claim
against ASIC, with prejudice, subject to said parties' mutual waiver of costs.

IT IS SO STIPULATED.

1 DATED: December 20, 2012

SELMAN BREITMAN LLP

2
3 By: 

Lisa M. Lampkin

4 Attorneys for Third-Party Defendant and Cross-
Claimant Scottsdale Insurance Company

5 DATED: December , 2012

LAW OFFICES OF SEMHA ALWAYA

6
7
8 By: _____

Semha Alwaya

9 Attorneys for Cross-Defendant American Safety
Indemnity Company

10
11 **[PROPOSED] ORDER OF PARTIAL DISMISSAL**

12 Having reviewed the above stipulation, the Court orders that cross-defendant American
13 Safety Indemnity Company be dismissed, with prejudice, from Scottsdale Insurance Company's
14 cross-claim, with each side to bear its own fees and costs.

15
16 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

17
18 Dated: _____

United States District Court
District of Northern California

Selman Breitman LLP
ATTORNEYS AT LAW

1 DATED: December 20, 2012 SELMAN BREITMAN LLP

2
3 By: _____
4 Lisa M. Lampkin
5 Attorneys for Third-Party Defendant and Cross-
6 Claimant Scottsdale Insurance Company

7 DATED: December , 2012 LAW OFFICES OF SEMHA ALWAYA

8 By: Semha Alwaya
9 Semha Alwaya
10 Attorneys for Cross-Defendant American Safety
11 Indemnity Company

12 **~~PROPOSED~~ ORDER OF PARTIAL DISMISSAL**

13 Having reviewed the above stipulation, the Court orders that cross-defendant American
14 Safety Indemnity Company be dismissed, with prejudice, from Scottsdale Insurance Company's
15 cross-claim, with each side to bear its own fees and costs.

16 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

17
18 Dated: 12/31/12

19 
20 United States District Court
21 District of Northern California